

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRIDE TECHNOLOGIES, LLC, :
Plaintiff, : 19 Civ. 11315 (LGS)
: :
-against- : ORDER
: :
DANIEL KHUBLALL, :
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 10, 2020, Plaintiff filed a motion (i) to seal Exhibits 100, 118, 119 and 120 to the Declaration of Andrew Hoffmann (the “Hoffmann Declaration”) (Dkt. No. 134; temporarily sealed version at Dkt. No. 135), on the ground that Defendant produced and designated those documents as “Confidential” or “Highly Confidential”; (ii) to seal Exhibit 63 to the Hoffmann Declaration on the ground that non-party Randstad Professionals US, LLC d/b/a Randstad Sourceright (“Randstad”) produced and designated the document as “Confidential”; (iii) to seal Exhibit 114 to the Hoffmann Declaration on the ground that non-party TalentNet Inc. (“TalentNet”) produced and designated the document as “Highly Confidential”; and (iii) to redact portions of Plaintiff’s Memorandum of Law in Opposition (Dkt. No. 128; temporarily sealed version at Dkt. No. 129) and Rule 56.1 Statement (Dkt. No. 130; temporarily sealed version at Dkt. No. 131), that summarize, discuss or quote Exhibits 100, 118, 119, 120, 63 and 114 (the “Motion”). Dkt. No. 127.

WHEREAS, pursuant to this Court’s Individual Rule I.D.3,

The party with an interest in confidential treatment bears the burden of persuasion [in a motion to seal]. If this party is not the filing party, the party with an interest in confidential treatment shall promptly file a letter on ECF within two business days in support of the motion [to seal], explaining why it seeks to have certain documents filed in redacted form or under seal.

WHEREAS, on December 11, 2020, the Court issued an Order directing Defendant, TalentNet and Randstad to file any letters in support of Plaintiff’s Motion by December 18, 2020. Dkt. No. 136.

WHEREAS, on December 17, 2020, Defendant filed a letter indicating that he does not object to

Exhibits 100, 118, 119 and 120 being publicly filed. Dkt. No. 138.

WHEREAS, on December 17, 2020, TalentNet filed a letter stating that it does not object to Exhibit 114 being publicly filed. Dkt. No. 139.

WHEREAS, on December 18, 2020, Randstad filed a letter in support of Plaintiff's motion to seal Exhibit 63, stating that "Exhibit 63 and any document summarizing or quoting it, contain information surrounding Randstad's business communications related to strategic partnerships, corresponding capabilities, and process leading up to the bidding of an RFP. Such communications reveal a part of the process underlying the synergies that make Randstad competitive in the marketplace, and disclosure would impair the Company's market position by allowing competitors to capitalize on Randstad's strategic approach." Dkt. No. 141. It is hereby

ORDERED that the Motion is **GRANTED** as to Exhibit 63 and **DENIED** as to exhibits 100, 114, 118, 119 and 120. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) ("[D]ocuments may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest."). It is further

ORDERED that Plaintiff shall file new redacted versions of the Hoffmann Declaration at Docket No. 134, Plaintiff's Memorandum of Law in Opposition at Docket No. 128 and Plaintiff's Rule 56.1 Statement at Docket No. 130, that include only redactions of Exhibit 63 and summaries of or quotes from the exhibit.

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 127 and 141.

Dated: December 21, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE